

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MARK ROGERS,

Petitioner,

3:02-cv-00342-GMN-VPC

vs.

**ORDER**

TIMOTHY FILSON, *et al.*,

Respondents.

\_\_\_\_\_/

In this capital habeas corpus action, the Court The Court has granted Rogers’ motion for an evidentiary hearing, with respect to one claim, Ground 5, and the Court has set a schedule for the evidentiary hearing. *See* Order entered November 6, 2017 (ECF No. 215). The evidentiary hearing was set to commence on April 23, 2018. The parties’ first disclosure of experts was set for December 29, 2017, and several other deadlines with respect to preparation for the evidentiary hearing were set in January, February, March and April.

On November 20, 2017, respondents filed a motion to amend the evidentiary hearing scheduling order (ECF No. 216), requesting that the schedule for the evidentiary hearing, including the setting of the evidentiary hearing itself, and all deadlines related to it, be pushed back by 60 days. Respondents’ counsel states that she will be going out on maternity leave soon, and, as a result, will be unable to properly prepare for the evidentiary hearing if it remains as scheduled. Respondents’ counsel states that Rogers does not oppose the motion to amend the scheduling order.

1 The Court finds that respondents' motion to amend the evidentiary hearing scheduling order  
2 is made in good faith and not solely for the purpose of delay, and that there is good cause to amend  
3 the scheduling order. The Court will extend all the dates relative to the evidentiary hearing,  
4 including the date of the evidentiary hearing itself, by approximately 60 days.

5 *The Court will not look favorably upon any motion to further extend this schedule.*

6 **IT IS THEREFORE ORDERED** that respondents' Motion to Amend Evidentiary Hearing  
7 Scheduling Order (ECF No. 216) is **GRANTED**. The following schedule will govern the  
8 evidentiary hearing:

9 The Evidentiary Hearing

10 The evidentiary hearing will commence on June 25, 2018, at 9:00 a.m., in the courtroom of  
11 the undersigned United States District Judge.

12 First Disclosure of Experts

13 The parties will, by March 2, 2018, disclose to each other the names of any experts who will  
14 testify. Such disclosure will be made by e-mail or other informal means. The parties need not file  
15 formal notices.

16 Second Disclosure of Experts

17 The parties will disclose to each other the names of any rebuttal experts by March 16, 2018.  
18 Such disclosure will be made by e-mail or other informal means. The parties need not file formal  
19 notices.

20 Disclosure of Expert Reports

21 The parties will disclose to each other the reports of their expert witnesses by March 23,  
22 2018. Such disclosure will be made by e-mail or other informal means. The parties need not file the  
23 reports.

24 Pre-Hearing Briefs

25 Rogers will submit a pre-hearing brief by April 13, 2018. Respondents will file a responsive  
26 pre-hearing brief by April 27, 2018. Rogers may file a reply to respondents' brief by May 4, 2018.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26

- 2
- 3
- 4

## 5

6  
7

## 8

9  
10

12

13  
14  
15